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Werner 2003-0210

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Patent Application

Inventor(s) Carl Edward Werner

Case 2003-0210 **Conf. No.** 5857

Serial No. 10/767,785 **Group Art Unit** 2155

Filing Date January 29, 2004

Examiner Michael Young Won

Title Instant Message Mass Update Generated from
Website Entry

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

SIR:

Remarks

Reconsideration of pending claims 1, 3-6 and 8-11 is respectfully requested.

In the Office action dated February 21, 2008, the Examiner issued a Final Rejection of the above-cited claims under 35 USC 103(a) as being unpatentable over various combinations of references. The Examiner's rejections will be discussed below in the order appearing in the Office action.

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35 USC § 103(a) Rejection – Claims 1, 3, 5, 6, 8, 10 and 11

The Examiner first rejected the above-cited claims under 35 USC 103(a) as being unpatentable over US Patent Publication 2002/0198946 (Wang et al.), in view of US Patent 6,301,609 (Aravamudan et al.). The Examiner cited Wang et al. as teaching every aspect of independent claim 1, except for the formation of “groups including a set of members from the plurality of data network system users”. The Aravamudan et al. reference is then used by the Examiner as exemplary of teaching “groups including a set of members from the plurality of data network system users” (with reference to Aravamudan et al. at column 2, lines 33-35, where it states: “The user creates buddy groups and defines specific attributes to associate (buddies) included within each group”.

The Examiner then concluded that “it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Wang in view of Aravamudan by implementing groups including a set of members from the plurality of data network system users. Once would be motivated to do so because ‘IM clients also allow the user to specify a list of known identifiers for others of the IM system, often defined as a *buddy list*’ [applicant’s specification at paragraph [0003]]”.

In response, applicant asserts that a significant difference between the combination of cited references and the invention as defined by pending claim 1 is that the “website update/alert administrator” of claim 1 includes “a target listing of various IM groups to associate sets of IM groups with difference types of updates and alerts”. The notion of a target listing of various IM groups is associated in applicant’s invention with the idea that “depending upon the alert/update received by administrator 20, various and different target IM groups may be identified as needing to receive the message” (paragraph [0016]).

In the rejection, the Examiner cited page 2, paragraph [0013] of Wang et al. as teaching the creation of a “target listing” – with a citation to the following text: “A user defines his or her own set of delivery modes, each of which corresponds to a personalized dependability level”. The description from Wang et al. is considered to be a user-driven definition of his preferred ‘delivery mode’ – there is no discussion in this portion of

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Wang et al. (or elsewhere within the specification) regarding the creation/retrieving of a *targeted listing of various IM groups*, as required in applicant's independent claims 1 and 6. A significant aspect of the present invention is to provide for timely and efficient transmission of updates/alerts from a system administrator to a *targeted listing* of various IM groups – the targeting allows for only those impacted by the update/alert to receive the message. No such intention is disclosed or suggested in the combination of references cited by the Examiner.

Therefore, applicant asserts that without the teaching of creating a "target listing of various IM groups to associate sets of IM groups with different types of updates and alerts", as defined by independent claims 1 and 6, the combination of Wang et al. and Aravamudan et al. cannot be found to render obvious the teachings of the present invention as defined by the rejected claims. Applicant thus respectfully requests the Examiner to reconsider this rejection and find the cited claims to be allowable.

35 USC § 103(a) Rejection – Claims 4 and 9

Claims 4 and 9 were separately rejected by the Examiner under 35 USC 103(a) as being unpatentable over Wang et al. and Aravamudan et al. (as applied to claims 1 and 6, above), in further view of US Patent Publication 2002/0065894 (Dalal et al.). The Examiner cited Dalal et al. as teaching the inclusion of an IM "trailer portion" indicating that the IM is 'automated' and 'cannot be responded to'. A review of the cited portion of Dalal et al., however, is believed to properly be associated with an autoreply function available to a *receiver* of a message, and not a "trailer" which is a portion of a message *from a transmitter of a message*. Thus, applicant believes that Dalal et al. does not disclose or suggest this particular aspect of the present invention.

Additionally, Wang et al. and Aravamudan et al. are not considered to render obvious the subject matter of independent claims 1 and 6, from which claims 4 and 9 depend. Therefore, in light of all of the above, applicant asserts that the combination of Wang et al. and Aravamudan et al. with Dalal et al. cannot be found to render obvious the

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subject matter of the present invention as defined by claims 4 and 9. Applicant respectfully requests the Examiner to reconsider this rejection and find claims 4 and 9 to be allowable.

If for some reason or other the Examiner does not agree that the case is ready to issue and that an interview or telephone conversation would further the prosecution, the Examiner is invited to contact applicant's attorney at the telephone number listed below.

Respectfully submitted,

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